

FILED

SEP 22 2023

Matthew J. Hehn
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

S.A. AND L.A., BY THEIR NEXT FRIEND
ANGI ALLEN; H.B., BY HER NEXT
FRIEND JULIE BEANER; Ad.S. AND A.L.S.,
BY THEIR NEXT FRIENDS BRYAN
SCHAVE AND BRANDI SCHAVE; S.D.,
BY HER NEXT FRIENDS JENNIFER
DEGROOT AND PHILIP DEGROOT; A.L.,
BY HER NEXT FRIEND NATHAN
LEUNING; M.B., BY HER NEXT FRIEND
JOSEPH BILDERBACK; M.D., BY HER
NEXT FRIEND DAVID DENSON; M.W.,
BY HER NEXT FRIENDS EUGENE WARE
AND MARSHA WARE; K.A., BY HER
NEXT FRIEND CATHY ANDERSON; and
R.T., BY HER NEXT FRIENDS LUKE AND
BOBBIE TIBBETTS

Plaintiffs,

v.

SIOUX FALLS SCHOOL DISTRICT 49-5;
DR. JANE STAVEM, in her official capacity
as Superintendent of the Sioux Falls School
District 49-5, and CASEY MEILE, in his
official capacity as Coordinator of Athletics
for the Sioux Falls School District No. 49-5

Defendants.

Case No. 4:23-cv-04139

STIPULATION

Pursuant to D.S.D. Civ. LR 29.1, the parties, by and through their counsel of record,
stipulate to the following:

1. Plaintiffs have moved for a TRO and preliminary injunction in this matter. *See*
Doc. 3. Plaintiffs have filed a brief and affidavit of counsel, with enclosed exhibits, in support.
See Docs. 4-5.

2. Plaintiffs' request for expedited relief is based on the upcoming 2023-2024 high school gymnastics season. According to the South Dakota High School Activities Association, the first date that gymnastics teams may practice is October 30, 2023, and the first meet is scheduled to take place on November 27, 2023.

3. In addition, the Sioux Falls School District has agreed to not act on any bids received for the gymnastics equipment before October 23, 2023, which is the subject of Plaintiffs' request for a TRO. October 23, 2023, is the date of the last regularly-scheduled school board meeting at which the Board must decide whether to accept or reject any qualified bids.

4. Plaintiffs therefore respectfully request that Plaintiffs' request for preliminary injunctive relief be adjudicated before October 23, 2023, to the extent that is practicable in view of the Court's schedule.

5. Plaintiffs and Defendants have stipulated and agreed that Plaintiffs' motion for a preliminary injunction may be heard and decided by the Court on written submissions alone, without the need to schedule an evidentiary hearing with the Court.

6. Under the parties' stipulation, Defendants' responsive brief and written testimony, with supporting exhibits, shall be filed on or before September 29, 2023.

7. Plaintiffs' reply brief and any reply written testimony, with supporting exhibits, shall be filed on or before October 5, 2023.

8. The parties jointly request oral argument with the Court on Plaintiffs' motion for a preliminary injunction, with an opportunity to be heard as soon as the Court's calendar permits. The parties request no more than one hour to provide their respective arguments to the Court.

Date: September 21, 2023.

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Date: September 21, 2023.

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*Approved and so
Ordered this 22nd day of
September, 2023.
Charles B. Kernmann
U. S. D. J.*